

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 372, March 18, 2010
MetroCenter Auditorium
101 8th Street, Oakland, California

1. CALL TO ORDER

President Green called the meeting to order at approximately 7:05 p.m. A revised agenda was distributed that adds Item 6.E, Bay Area-Wide Trash Capture Demonstration Project; 6.F., Hicks Flat Mercury Remediation Project; and 6.G., San Francisco Bay Area Rapid Transit District.

Representatives and Alternates Present

Supervisor Susan L. Adams
Supervisor John Avalos
Councilmember Kansen Chu
Supervisor David Cortese
Mayor Pro Tem Carole Dillon-Knutson
Councilmember Dan Furtado
Mayor Jack Gingles
Supervisor John Gioia
Mayor Susan Gorin
Mayor Mark Green
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Director Nancy Kirshner Rodriguez
Councilmember Sam Liccardo
Supervisor Mark Luce
Councilmember Nancy Nadel
Mayor Julie Pierce
Councilmember Joe Pirzynski
Mayor Harry Price
Councilmember A. Sepi Richardson
Supervisor Gail Steele
Supervisor Gayle B. Uilkema
Councilmember Joanne Ward
Supervisor Ken Yeager

Representatives Absent

Councilmember Jane Brunner
Councilmember Richard Garbarino
Supervisor Carole Groom
Mayor Beverly Johnson
Councilmember Ash Kalra
Supervisor Mike Kerns
Supervisor Barbara Kondylis
Education Advisor Hydra Mendoza
Supervisor Ross Mirkarimi
Mayor Gavin Newsom
Vice Mayor Jean Quan
Vice Chair Terry Young

Jurisdiction

County of Marin
County of San Francisco
City of San Jose
County of Santa Clara
City of Novato
City of Campbell
City of Calistoga
County of Contra Costa
City of Santa Rosa
City of Union City
County of Alameda
County of San Mateo
City of San Francisco
City of San Jose
County of Napa
City of Oakland
City of Clayton
Town of Los Gatos
City of Fairfield
City of Brisbane
County of Alameda
County of Contra Costa
City of Hercules
County of Santa Clara

Jurisdiction

City of Oakland
City of South San Francisco
County of San Mateo
City of Alameda
City of San Jose
County of Sonoma
County of Solano
City of San Francisco
County of San Francisco
City of San Francisco
City of Oakland
RWQCB

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

Julie Pierce, Mayor, City of Clayton, announced that the Contra Costa County Transportation Authority appointed Randy Iwasaki as its new Executive Director.

There were no other announcements

4. PRESIDENT'S REPORT

President Green reported on the following:

The Legislative Reception, co-sponsored by CSAC and MTC, and with support from Comcast and PG&E, was held in Sacramento. Six legislators and a number of legislative staff attended. The evening provided an opportunity for ABAG to interact informally with legislators and set the stage for future legislative discussions. President Green thanked the Board and L&GO members who attended and offered a special thanks to Supervisors Mark Luce, Scott Haggerty, and Mike Kerns, who provided the excellent Napa Valley, Livermore, and Sonoma County wines that were served during the reception. Legislators were provided with a flash drive with information about ABAG and its legislative priorities.

The Administrative Committee held its annual meeting and planning session on February 4th and 5th at the Claremont Hotel in Oakland. (Further information reported under Item 11.)

President Green reported on meetings with each of the Mayors and Councilmembers Associations in the region. He met with the Napa County Cities Association and is scheduled to speak with the Sonoma County Cities Association on April 8th and the Santa Clara County Cities Association on May 13th. He will meet with Contra Costa County Mayors Conference on May 6th. Speaking engagements will be scheduled for San Mateo, Marin, and Solano Counties. His goal is to get the word out about ABAG's programs and services and the benefit of building a stronger voice for the region through collaboration. He expects to have met with all of the region's Mayors and Councilmembers Associations by May or June.

The Growing Smarter Together Awards' Jury met on March 1st to review the nominations for awards in seven categories which will be presented at the General Assembly and Regional Forum on April 22nd in Oakland at the Marriott Hotel.

President Green reported on his recent trip to Washington, D.C. with the Alameda County Congestion Management Agency and recommended that ABAG consider an annual Washington trip to meet with the Bay Area's delegation led by Representative Nancy Pelosi, Senator Barbara Boxer, and others.

5. EXECUTIVE DIRECTOR'S REPORT

Henry Gardner, ABAG Executive Director, reported on the following:

As of March 4th the Senate and Assembly approved on a party line vote the transportation proposal put forth by the Legislature. The proposal does not include two previous provisions that had received a lot of attention: delaying the implementation of certain business tax breaks that would have resulted in more revenues next fiscal year and the provision to allow MPOs to levy a regional fuel fee to fund transit, bicycle, and pedestrian projects, which is a potentially significant source of funds for local governments and transit agencies that are proposing projects to support the goals of SB 375, the Sustainable Communities Strategy, and AB 32.

The Governor's May Revise Budget will be the most up-to-date estimate by the Finance Department of the State budget deficit. The State is currently receiving approximately \$1 billion more each month since January than estimated. If this trend continues, the deficit should shrink considerably, relieving some of the pressure on massive reductions of social services.

Staff is continuing to pursue legislation that would authorize, by majority voter approval, a vehicle registration fee of up to \$4 to support planning and grants related to SB 375, the Sustainable Communities Strategy, and AB 32. This proposed legislation would generate approximately \$24 million a year, with half the amount available for ABAG and MTC to implement SB 375 and AB 32, and half available to cities and counties and congestion management agencies. This proposed legislation addresses the issue the Governor raised in his veto message of SB 406 by submitting the fee proposal to the voters. ABAG is seeking an author for the legislation.

MTC and ABAG have joined four other regions—SACOG (Sacramento region), SANDAG (San Diego region), SCAG (Southern California region), and the San Joaquin region—in exploring ways to coordinate their efforts and strategies in implementing SB 375. The large metropolitan regions share a lot in common in addressing housing, employment and environmental issues, and the San Joaquin region plays a critical role in interfacing with the four metropolitan regions. These regional agencies have begun to identify areas where they may be able to share resources and leverage off of each other's experiences and opportunities for more effective planning and possible cost-savings by eliminating duplicative analysis and research.

Over the last three months, the San Francisco Estuary Partnership has teamed with the Water Board, Santa Clara Valley Urban Runoff Pollution Program, the San Mateo Countywide Water Pollution Prevention Program, and Marin County Stormwater Pollution Prevention Program to provide Construction Stormwater Workshops throughout the region which included instructions on appropriate best management practices to manage construction storm water discharges and the requirements in the new general construction permit issued by the State Board on September 2, 2009.

ABAG POWER has received notice that its funding application to the California Energy Commission (CEC) for the State Energy Program has been preliminarily approved for \$10,750,000. This is a two year program that will promote energy efficiency retrofits in residential buildings in the Bay Area. In addition to region-wide activities, approximately \$9.5 million has been allocated to individual Bay Area

counties for specific programs in their areas. ABAG expects to negotiate a contract with the CEC in March and to complete initial market research and program design by May.

Financings delivered by ABAG and its affiliated entities since the last report include: \$54,310,000 of State of California-Insured Revenue Bonds on behalf of San Diego County for Casa de Las Campanas, a multi-level retirement facility; \$9,920,000 in Freddie Mac-Guaranteed Variable Rate Demand Multifamily Housing Revenue Refunding Bonds on behalf of Alameda County for the Acton Courtyard Apartments Project in the City of Berkeley; \$3,200,000 in Freddie Mac-Guaranteed Variable Rate Demand Multifamily Housing Revenue Refunding Bonds on behalf of Alameda County for the ARTech Building Apartments Project also in Berkeley; and, A Capital Lease for the Town of Moraga to facilitate the delivery of \$1,525,000 in Certificates of Participation.

Members discussed the lawsuit regarding the City of Pleasanton and housing limits.

President Green thanked Executive Director Gardner for his report.

6. CONSENT CALENDAR

President Green recognized a motion by Dave Cortese, Supervisor, County of Santa Clara, and seconded by Sepi Richardson, Councilmember, City of Brisbane, to approve the Consent Calendar. The motion passed unanimously.

A. Approval of Executive Board Summary Minutes**

Approved Summary Minutes of Meeting No. 371 held on January 21, 2010.

B. Grant Applications

A list of grant applications was approved for submission to the State Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

C. Appointment to Committee

The following committee appointments were approved.

Bay Conservation and Development Commission

Councilmember Ana Apodaca, City of Newark (Alternate to Member Robert Wieckowski)

Regional Planning Committee

Jeremy Madson, Executive Director, Greenbelt Alliance
Egon Terplan, Regional Policy Director, SPUR

D. Financial Support to Bay Area Council Economic Institute (Formerly Bay Area Economic Forum)**

Authorized approval of FY 09-10 ABAG support to the Bay Area Council Economic Institute (BACEI, formerly known as the Bay Area Economic Institute) in the amount of \$50,000.

E. Bay Area-Wide Trash Capture Demonstration Project: Approved Vendor List**

Approved vendor list for "forgivable loan" from the State Water Resources

Control Board's Clean Water State Revolving Fund for \$5 million in American Reinvestment and Recovery Act (stimulus) funding for ABAG's Estuary Partnership to implement a region-wide demonstration project that will provide all interested Bay Area cities with trash capture devices to retrofit existing storm drain infrastructure.

F. Resolution Authorizing to Entering into Agreement with State of California for the Hicks Flat Mercury Remediation Project**

Adopted resolution authorizing the Association of Bay Area Governments to enter into an agreement with the State of California, and authorizing the Executive Director, or designee, to sign the 319(h) Agreement, and any amendments thereto.

G. Request for Authorization to Enter into Contract with the San Francisco Bay Area Rapid Transit District**

Authorized entering into contract with the San Francisco Bay Area Rapid Transit District (BART) to develop, award and manage trail construction grants in the amount of \$938,336 to construct portions of the San Francisco Bay Trail for completion of gaps in the Bay Trail system.

7. SHORT TERM ECONOMIC CONFERENCE SUMMARY**

President Green recognized Paul Fassinger, ABAG Research Director, who provided a summary of the presentations made at ABAG's recent Short Term Economic conference, including an overview of the short-term economic outlook, information about the January 26th conference, and expectations for the Bay Area economy.

Executive Director Gardner spoke about tailoring this presentation for each county.

Members discussed conditions for real growth, the Department of Finance data, and presentations to the mayors conferences.

President Green thanked Mr. Fassinger for his report.

8. INVESTMENT IN AFFORDABLE HOUSING TRANSIT ORIENTED DEVELOPMENT**

President Green recognized Ken Kirkey, ABAG Planning Director, and Doug Johnson, MTC, who provided an overview of the Bay Area TOD Affordable Housing Fund. The fund is being jointly established by the Metropolitan Transportation Commission (MTC), the San Francisco Foundation, the East Bay Community Foundation, and the Silicon Valley Community Foundation to assist with the creation of affordable housing in FOCUS Priority Development Areas.

Mr. Kirkey addressed Priority Development Areas incentives, TOD opportunities for limited infill development and sites near transit, and described the Great Communities Collaborative. Mr. Johnson spoke about regional collaboration, the Affordable TOD fund, the New York Acquisition Fund Structure, conditions of participation, and next steps.

Members discussed program eligibility, inclusionary zones, affordable housing funds, efforts by local community foundations, and the RHNA process.

President Green thanked Messrs. Kirkey and Johnson for their report.

9. SUSTAINABLE COMMUNITIES STRATEGY (SCS) ENGAGEMENT

President Green recognized Ezra Rapport, ABAG Deputy Executive Director, who presented and asked for Board input on a draft engagement approach for SB 375 and the Sustainable Communities Strategy. Mr. Rapport spoke about SB 375 in the context of congestion, mega-regional sprawl, and disinvestment in cities; the SCS vision to integrate urban development and transportation, and to implement PDAs; benefits and metrics; land use goal and challenges; Strategic Growth Council policy regarding the environment, economy, and equity; and SCS engagement, including the Regional Summit, Regional Advisory Committee, CEO Advisory Committee, and County/Corridor meetings.

Mr. Kirkey reviewed the process undertaken for the FOCUS program.

Members discussed the Green California Summit and sustainable cities, engaging elected officials in the SCS process, the target audience for the Regional Summit, the composition of the Regional Advisory Committee, encouraging Regional Summit attendance, transit funding, effective technical staff involvement, and having the President send a letter to invite all elected officials to attend the General Assembly.

Mr. Rapport provided an overview of the Profiles project for ABAG elected officials.

Members discussed the purpose and function of the Profiles project, Brown Act requirements, and a need for legal analysis of the project.

President Green thanked Mr. Rapport for his report.

10. MTC UPDATE FROM ABAG REPRESENTATIVE

President Green recognized Dave Cortese, Supervisor, County of Santa Clara, and ABAG Representative to the Metropolitan Transportation Commission, who reported on Commission activities and key programs and initiatives, including ARRA funding of infrastructure projects; FTA funding of transit system preservation projects; status of Proposition 1B funding; BATA's toll hikes for seven state bridges for seismic retrofits and congestion pricing, and carpool and large/multi-axle trucks; Transit Sustainability Project; Bay Area Climate Initiative Program; MTC website update; MTC Policy Advisory Council; Clipper (Translink) program; and Affordable TOD funds.

President Green thanked Supervisor Cortese for his report.

11. ADMINISTRATIVE COMMITTEE REPORT

Committee Chair Mark Green reported on the Administrative Retreat held February 4th and 5th at the Claremont Hotel in Oakland which included discussions on the following: briefings on Bay Area Recovery Authority legislation that is being carried by Senator Ellen Corbett, follow-up legislation to SB 406, SB 375 Implementation, a report on Climate Bay Area, and an Ambassadors for ABAG Program.

12. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

President Green recognized Committee Vice Chair Carole Dillon-Knutsen, Councilmember, City of Novato, who reported on committee activities, including:

the election of Mark Luce, Supervisor, County of Napa, as Committee Chair, and Carole Dillon-Knutsen, Councilmember, City of Novato, as Committee Vice Chair; legislation recommendations, including AB 2139 (support), AB 2103 (support), SB 1445 (support), SBX8 26 (support), SB 1048 (support), SB 1100 (support), SB 1205 (support with amendments), AB 2138 (watch pending further information), AB 2176 (watch pending further information), SB 88 (no position); bills for consideration and legislative priorities for 2010; a report on the Youth Gun Violence Task Force; and a report on the Legislative Reception.

Members discussed SB 1205.

President Green recognized a motion by Vice Chair Dillon-Knutsen, which was seconded by Jack Gingles, Mayor, City of Calistoga, to approve the committee report. The motion passed unanimously.

President Green thanked Chair Dillon-Knutsen for her report.

13. FINANCE & PERSONNEL COMMITTEE REPORT**

President Green reported on committee activities, including a report on the Financial Reports for December 2009 and January 2010; a recommendation to provide financial support in the amount of \$50,000 to the Bay Area Council Economic Institute; the process for performance evaluation of Legal Counsel; and rescheduling the Legal Counsel performance evaluation to July 15th.

President Green recognized a motion, which was seconded by Councilmember Richardson, to approve the committee report, including the financial support to the Bay Area Council Economic Institute. The motion passed unanimously.

The Board entered closed session at 9:20 p.m. for a conference with Legal Counsel regarding existing litigation, HBANC v. ABAG, and a public employee performance evaluation of the Executive Director.

The Board returned to open session at about 9:28 p.m.

President Green reported that the performance evaluation of the Executive Director will occur in May.

14. PROJECTIONS 2009**

President Green recognized a motion by Scott Haggerty, Supervisor, County of Alameda, which was seconded by Councilmember Richardson, to approve the recommendation from the Finance and Personnel Committee to clarify Projections 2009. There was one no vote by Sam Liccardo, Councilmember, City of San Jose. The motion passed.

15. ADJOURNMENT

The meeting was adjourned at approximately 9:29 p.m.



Henry L. Gardner, Secretary-Treasurer

*** Indicates attachments.*

**** For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or PatJ@abag.ca.gov, or Kathleen Cha at (510) 464 7922 or KathleenC@abag.ca.gov.*

All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or FredC@abag.ca.gov.